



## Forensic Crime Scene Investigation

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### ABSTRACT

Forensic Science also plays a very significant role in the investigation system. This also entails a long history in itself. The application of science and technology to the detection and investigation of crime and administration of justice is not new to India. This research paper presents forensic Crime Investigating System in India which includes Forensic Legal Application means the application of forensic science for the purpose of law. It explains the search of truth and justice through forensic science. It is particularly used in the criminal investigation, paternity disputes and other related cases.

### KEYWORDS

Forensic, Crime Scene Investigation, Malimath Committee.

### I. FORENSIC INVESTIGATION

A forensic investigation is the practice of lawfully establishing evidence and facts that are to be presented in a court of law. The word forensic is derived from the Latin word *forensis* and means "of or before the forum." It was used as early as the Roman Empire when people accused of crimes were brought before a public group and allowed to argue their case. In modern times, the term is used for nearly all investigations, ranging from computer crimes to murders. When most people think about a forensic investigation, they think about [crime scene](#) investigation, but there are other forms of forensic investigation. The type of forensic investigation most people know about revolves around violent crimes. [Forensics](#) used in these investigations can uncover scientific evidence that may provide enough proof or evidence to convict a violent criminal, or to disprove outdated evidence that could lead to the release of someone who was wrongly convicted. The main kinds of evidence this form of forensic investigation yields are biological or [DNA](#) evidence, such as blood spatter and hairs; [impression evidence](#), like fingerprints and tire tracks; and weapon identification, the microscopic examination of firearms and tools for the purpose of matching weapons to wounds. After the evidence is carefully collected at the crime scene, it is typically processed inside a crime lab. Forensic investigation is increasingly playing an important role in the pursuit of justice. But the use of forensic investigation is not the straightforward endeavor that is portrayed in many television programs and other mass media sources. Forensic investigation is very complex. Forensic investigation techniques, when used appropriately, can be an incredible tool for practitioners and society. But used inappropriately, forensic investigation techniques can generate error and injustice in the system.

Forensic Science today has shaped the world of justice, fueling crime investigations and signifying the progress of modern technology. Forensic Science of today covers modern computer or clay facial reconstruction, DNA fingerprinting, autopsy techniques, forensic anthropology, toxicology and much more. The developments in forensic science have likewise introduced many vital crime solving techniques over the past few decades. Forensic Science covers the different techniques used to analyze a variety of crimes.

Forensic science provides answer to the following three questions:

1. *Has a crime been committed?*

Considering the case of recovery of a dead body; Death could be natural accidental or homicidal. Forensic Science by ascertaining the nature of death establishes the existence or absence of corpus delicti.

2. *How and when was the crime committed?*

The examination of the 'corpus delicti' reveals the way of the crime was committed and possibly the time when it was committed.

3. *Who committed the crime?*

Forensic science establishes the identity of the culprit through personal clues like fingerprints, footprints, blood drops or hair. It links the criminal with the crime through objects left by him at the scene with the victim or carried from the scene and the victim.

On the other hand, if the clues recovered do not link the accused with the victim or the scene of occurrence, the innocence of the accused is established. Forensic science, thus, helps the innocent.

The application of Forensic Science in the investigation of crime can be effective only if the investigating officer knows:

- The nature of physical evidence to be collected.
- Where it is found?
- How it is collected and packed?
- What standard samples for comparison purposes are necessary?
- How much sample is required?
- How the sampling is done?
- How the evidence will link the crime with the criminal and to what extent his labors will be rewarded by the laboratory results?

This is possible if the investigating officer is given a thorough grounding in the above aspects. He needs both theoretical and practical training. All police training institutions have courses in scientific aids, but the syllabi and the teaching standards are far from satisfactory. Periodical attachment of investigating officers to the departmental forensic science laboratories can go a long way in inculcating the scientific spirit. Ignorance about the value of evidence sometimes causes a lot of disappointment to an investigating officer. For example, hair is recovered in quite a few cases. Evaluation of hair does not lead to positive identification of the source of hair. It is not possible at the present stage of development of the science. They would not be disappointed, if they know the limitations.

### II. FORENSIC SCIENCE: LEGAL APPLICATIONS IN INDIA

"Forensic Legal Application" means the application of forensic science for the purpose of law. It explains the search of truth and justice through forensic science. It is particularly used in the criminal investigation, paternity disputes and other related cases. The application of science and technology to the detection and investigation of crime and administration of justice is not new to India.

Criminal Procedure Code and Indian Evidence Act 1872 are the parent procedural laws which govern criminal trials in India, while Criminal procedure Code prescribes the procedure from the point of taking cognizance of crime by appropriate judicial Magistrates till the delivery of final order of Conviction or acquittal or any appropriate order looking into the fact of the case. Indian Evidence Act is limited in its scope of leading evidences in civil or criminal cases either by the prosecution or defendant, applicant or respondent. Act also deals with kind of evidences and relevancy of any fact, which can be brought as evidence in any case.

**Section 45:** Opinions of experts: When the Court has to form an opinion upon a point of foreign law, or of science, or art, or as to identity of handwriting [ or finger impressions], the opinions upon that point of persons specially skilled in such foreign law, science or art, [ or in questions as to identity of handwriting][or finger impressions]are relevant facts. Such persons are called experts.

**Section 46:** Facts bearing upon opinions of experts. - Facts, not otherwise relevant, are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

**Section 47:**Opinion as to hand- writing, when relevant.- When the Court has to form an opinion as to the person by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact. Thus the ingredients of section 45, section 46 and 47 highlights that:

- 1) The court when necessary will place its faith on skills of persons who have technical knowledge of the facts concerned.
- 2) The court will rely the bona fide statement of proof given by the expert concluded on the basis of scientific techniques.
- 3) The evidence considered irrelevant would be given relevance in eyes of law if they are consistent with the opinion of experts.
- 4) The Court may rely on the opinion of a person acquainted with the handwriting of another person when such handwriting is in question.

In addition to above provisions under Indian Evidence Act, Criminal procedure Code also provide for testimony of a medical practitioner which also call for reproduction here,

**Section 53**deals with examination of the accused by medical practitioner at the request of police officer if there are reasonable grounds to believe that an examination of his person will afford evidence as to the commission of the offence.

**Section 54** of the Criminal Procedure Code, 1973 further provides for the examination of the arrested person by the registered medical practitioner at the request of the arrested person.

Further after passing of Information technology Act 2000, Indian legal system has recognized forensic evidences categorically and specifically Amendments to the Indian Evidence Act 1872 are amended by schedule-II relevant portion is reproduced here as under:

1. In the definition of "Evidence", for the words "all document produced for the inspection of the Court", the words "all documents including electronic records produced for the inspection of the Court" shall be substituted.
2. After section 47, the following section shall be inserted, namely: - "47A. Opinion as to digital signature when relevant. - When the court has to form an opinion as to the digital signature of any person, the opinion of the Certifying Authority which has issued the digital signature Certifi-

cate is a relevant fact"

Once electronic evidences form part of the term Evidence, Indian Judicial system introduced more and more reliance on Forensic science as there is no other way out to prove the authenticity of such electronic record.

### III.CONCLUSION

There is a unanimity that medical and forensic evidence plays a crucial role in helping the courts of law to arrive at logical conclusions. Therefore, the expert medical professionals should be encouraged to undertake medico legal work and simultaneously the atmosphere in courts should be congenial to the medical witness. This attains utmost importance looking at the outcome of the case, since if good experts avoid court attendance, less objective professional will fill the gap, ultimately affecting the justice. The need to involve more and more professionals in expert testimony has been felt by different organizations. The American College of physician's guidelines for the physician expert witness emphasizes on broad physician participation in providing this much-needed assistance to the legal system. The college believes that more doctors should serve as experts as a component of their professional activities in order to meet the need for medical testimony. This objective of greater expert participation can only be achieved by addressing to the apprehensions that ponder the mind of medical professionals. In the light of new developments in the forensic science, the home ministry, Govt. of India constituted a committee under the chairmanship of Dr. Justice V.S Malimath to suggest reforms in the criminal justice system. This committee suggested comprehensive use of forensic science in crime investigation. According to the committee DNA experts should be included in the list of experts given in section 293(4) of Cr.P.C., 1973.

### Suggestions by Malimath committee:

1. **Section 313** of the CR.P.C must also be amended so as to draw adverse inference against the accused if he fails to answer any relevant material against him therefore, making it easy for the law enforcers to use DNA tests against him.
2. A specific law should be enacted giving guidelines to the police setting uniform standards for obtaining genetic information and creating adequate safeguards to prevent misuse of the same.
3. A national DNA database should be created which will be immensely helpful in the fight against terrorism.
4. More well equipped laboratories should be established to handle DNA samples and evidence.